

Exhibit AA

1
2 CONFIDENTIAL SECTION INCLUDED
3

4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF NEW YORK
6 - - - - -
CHARLES DEMPSEY, individually, and L.D. by her
father and natural guardian, CHARLES DEMPSEY,

7 Plaintiffs,

8 Index No. 19-cv-6780 (EAW)
v.

9
10 THE CITY OF ROCHESTER, a municipal
entity, JAVIER ALGARIN, ADAM GORMAN,
"JOHN DOE" RPD OFFICER RESPONSIBLE
FOR TRAINING JAVIER ALGARIN,
11

12 Defendants.
- - - - -

13
14 Video-recorded Deposition Upon Oral Examination of:
15

16 Officer Javier Algarin

17 Location: Powers Building
18 16 West Main Street, 7th Floor
Rochester, New York 14614

19 Date: July 15, 2022
20

21 Time: 9:00 a.m.
22

23 Reported By: KIMBERLY A. BONSIGNORE
24 Alliance Court Reporting, Inc.
109 South Union Street, Suite 400
Rochester, New York 14607
25



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1 A P P E A R A N C E S

2 Appear ing on Behalf of Plaintiffs:

3 Elliot D. Shields, Esq.
4 Roth & Roth LLP
5 192 Lexington Avenue, Suite 802
6 New York, New York 10016
7 eshields@rothandrothlaw.com

8 Appear ing on Behalf of Defendants:

9 Peachie L. Jones, Esq.
10 City of Rochester Department of Law
11 City Hall
12 30 Church Street, Room 400A
13 Rochester, New York 14614
14 peachie.jones@cityofrochester.gov

15 Also Present:

16 Ben Parrow, Videographer
17 Studio 80 ROC
18 277 North Goodman Street, Apartment 407
19 Rochester, New York 14607

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1 OFFICER JAVIER ALGARIN - BY MR. SHIELDS

2 MR. SHIELDS: And I believe we're ready to
3 swear the witness in.

4 THE COURT REPORTER: And the court
5 reporter is Kim Bonsignore with Alliance Court
6 Reporting.

7 OFFICER JAVIER ALGARIN,

8 called herein as a witness, first being sworn,
9 testified as follows:

10 EXAMINATION BY MR. SHIELDS:

11 Q. Good morning, Officer Algarin.

12 A. Good morning.

13 Q. Am I saying your name right?

14 A. Yes.

15 Q. My name is Elliot Shields. I represent
16 the father and daughter whose dog was shot and killed
17 in front of them, and I'm going to ask you some
18 questions today.

19 First I'm just going to lay out some
20 ground rules for the deposition. Will you tell me if
21 you don't understand my question?

22 A. I will.

23 Q. And will you tell me if my question is
24 confusing?

25 A. I will.



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1 OFFICER JAVIER ALGARIN - BY MR. SHIELDS

2 Q. Okay. And then field training is four
3 months?

4 A. Correct.

5 Q. So ten months of training?

6 A. Correct.

7 Q. And then after that ten months of
8 training, you've been an officer between July and
9 October; correct?

10 A. Correct.

11 Q. And at the academy, did they train you to
12 make a plan for how to safely interact with a dog when
13 you entered a residential property?

14 A. There was a class, interaction with dogs.

15 Q. How long was that class?

16 A. I don't remember. Possibly half a day.

17 Q. Okay. Tell me everything you remember
18 about that class.

19 A. It was through the Humane Society coming
20 into the classroom, basically, to state what the --
21 what their purpose is, where they're located, how to
22 get in contact with them, what they deal with, and
23 their experiences, what they have dealt with, and
24 their dog interactions of what they do and tactics
25 they might use, what -- where it could be they use a



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1 OFFICER JAVIER ALGARIN - BY MR. SHIELDS
2 baton or they use some other instrument.

3 Q. So you were trained to potentially use a
4 baton or some other instrument in part of that
5 training. Is that what you're saying?

6 A. Correct.

7 Q. And do you remember how long that training
8 lasted on that day?

9 A. Half a day. So approximately three, four
10 hours.

11 Q. Okay. And did you -- did they teach you
12 that you could use OC spray or pepper spray with the
13 dog?

14 A. No.

15 Q. Okay. So that wasn't part of that class?

16 A. Not that I remember.

17 Q. Okay. And did you get any handouts when
18 you took that class?

19 A. I don't remember.

20 Q. Do you have any documents in your
21 possession, either at RPD or at home, relating to that
22 class?

23 A. No.

24 Q. At the academy, were you trained that you
25 could shoot a dog if it ran at you when you were on a



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